

REMARKS

Claims 1-16 are pending in the present case. Claim 1 is the only independent claim.
Reconsideration in view of the following remarks is respectfully solicited.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claims 3-16 over the art of record. The Office Action also indicates that claims 3-16 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, applicant respectfully submits that all of claims 1-16 are allowable, for at least the reasons set forth below.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejection:

(1) claims 1 and 2 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,853,334 to Imai (hereafter Imai).

This rejection is respectfully traversed.

Applicant respectfully submits that the claimed invention is distinguishable from the cited art, Imai, for at least the following reasons:

The Examiner alleges that Imai discloses at least two ground conductive layers (1,2,3,4) stacked below said antenna pattern with a dielectric layer (5,6,7) therebetween. (see Office Action, page 3). Applicant respectfully disagrees with this allegation.

For example, Fig. 1 of Imai merely discloses an electric wave-receiving portion 16 (i.e., alleged antenna pattern) attached to one end of the waveguide 13. In Imai, on the opposite end of the waveguide is the chassis 11, which houses the multi-layer substrate 10 and probe 20. In other words, Imai's alleged antenna pattern 16 protrudes from and is configured on the opposite end of the waveguide 13 than the multi-layer substrate 10 in a horizontal fashion.

As such, as clearly shown in Fig. 1 of Imai, Imai's alleged antenna pattern 16 fails to have at least two ground conductive layers stacked below the antenna pattern 16, as set forth in claim 1.

Furthermore, the electric wave-receiving portion 16 in Imai fails to correspond to the claimed antenna pattern. For example, Imai merely discloses the electric wave-receiving portion 16 as for receiving a weak signal transmitted from a satellite. (see Imai, col. 5, lines 15-17). As such, applicant submits that Imai's electric wave receiving portion 16 at most merely corresponds to the antenna 1 as shown in applicant's Fig. 1.

However, in the claimed invention, the claimed antenna pattern 15 is apart of the multi-layer substrate 10. In other words, it appears that the Examiner has clearly missed the point that the multi-layer substrate includes the antenna pattern.

In contrast with the claimed invention, Imai's electric wave receiving portion 16 (alleged antenna pattern) fails to be apart of the 4-layer substrate 10. As such, Imai's alleged antenna pattern 16 is quite distinguishable from the claimed antenna pattern.

Furthermore, referring to Figure 1 of the Imai, even if a probe 20 of Imai corresponds to "an antenna pattern" of the subject application, the probe 20 merely extends vertically and penetrates a 4-layer substrate 10 which arguably merely corresponds to "at least two ground conductive layers" of the subject application. In such a case, the 4-layer substrate in Imai fails to be stacked below the probe 20, and Imai fails to disclose "at least two ground conductive layers" as set forth in claim 1 of the subject application.

According to MPEP §2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully submits that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Imai, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicant respectfully submits that independent claim 1 is allowable over Imai for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. §102(e) is respectfully solicited.

Copies of Initialed PTO-1449 Requested

Applicant respectfully requests a copy of the initialed PTO-1449 submitted on January 22, 2004.

In reviewing the application file, the undersigned has noted that the appropriate initialed Form PTO-1449 in response to the Information Disclosure Statement (IDS) filed on January 22, 2004 has not been received by Applicant. The Examiner is therefore requested to return a copy of the initialed Form PTO-1449 to the undersigned as soon as possible.

Acknowledgement of Priority Requested

Applicant respectfully requests that the Examiner acknowledge receipt of applicant's claim for priority under 35 U.S.C. § 119 and confirm that the Certified copies of the priority documents have been received by the U.S. Patent Office in the next Patent Office correspondence.

Conclusion

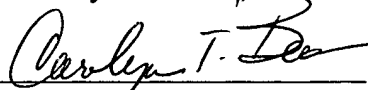
In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

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Respectfully submitted,

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